IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 28556 of 2007(Y)

PETITIONER:

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1. T.K.NOORMOHAMMED SAIT,
   S/O. KHADER HUSSAIN,
   MATTUMANTHA,NALLEPPALLY
   PALAKKAD DISTRICT.

2. T.K.MOHAMMED MOIDEEN,
   S/O. KHADER HUSSAIN,
   ATLAMPARA, THENERI,
   ELAPPULLY, PALAKKAD DISTRICT.

3. T.K.SIFUDHIN,
   S/O. KHADER HUSSAIN,
   XIII/145,EDAYAR STREET, MANKARA
   PALAKKAD DISTRICT.

4. AYISHA BEEVI,S/O. T.K.NOORMOHAMMED
   MATTUMANTHA, NALLEPPALLY P.O.,
   PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

1. THE CHIEF MANAGER
   M/S.SOUTH INDIAN BANK LTD,SIB PLATINUM JUBILEE
   HOUSE, AYYANTHOL, THRISSUR.

2. THE BRANCH MANAGER, M/S.SOUTH INDIAN
   BANK LTD, DOOR NO.VIII/173A,GROUND FLOOR
   NALLEPPALLY, PALAKKAD DISTRICT.

BY ADV. K. PRABHAKARAN, SC, SIB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 28556 of 2007

Dated this the 26th day of September, 2007

J U D G M E N T

The only request of the petitioner is that out of the three items of properties that are mortgaged,Item No.1 in Exhibit-P1 notice may be excluded and the Bank be directed to proceed with the sale in respect of other two items of properties that are mortgaged.

2. I heard the Learned Counsel for the petitioner and the Learned Counsel for the respondents also. Learned Counsel for the Bank points out that the only valuable item mortgaged is Item No.1 in Exhibit-P1 and that the sale of the other two items will not be sufficient for realising the dues.

3. Taking into account the submissions made as above, I direct that the petitioner shall deposit an amount of Rs.3,00,000/- within two weeks from today, in which event respondents will proceed with the sale excluding Item No.1 in Exhibit-P1. After disposing of the other two items of properties, if there is any amount outstanding the Bank will be entitled to the sale of Item No.1 also.

With these directions, writ petition is disposed of.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007